

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COMMODITIES FUTURES TRADING)	
COMMISSION,)	
)	CIVIL ACTION NO: 03 C 8571
Plaintiff,)	
)	
v.)	Honorable Amy J. St. Eve
)	
KEITH WILSON KRYSENSKI,)	
)	
Defendant.)	

MOTION TO INTERVENE

NOW COMES WILLIAM S. THOMAS, as an express third-party beneficiary of a consent decree entered in the above-captioned matter between the Commodities Futures Trading Commission (“CFTC”) and Keith Wilson Krysinski, and moves to intervene for the purpose of enforcing the consent decree and in support thereof states as follows:

1. On August 3, 2004, this Court entered a consent order in a case brought by the CFTC against Krysinski. Under the Consent Order, Krysinski was ordered to pay restitution in the amount of \$333,509 plus pre and post-judgment interest. That judgment remains unsatisfied.

2. The consent order expressly provides that Thomas is a third-party beneficiary under Federal Rule of Civil Procedure 71 and that he has the right to enforce the order to obtain satisfaction of any portion of the restitution amount which has not been paid by Krysinski. In particular, the Order provides:

“Pursuant to Rule 71 of the Federal Rules of Civil Procedure, each of the customers/creditors identified in the table in number 1 above is explicitly made an intended third-party beneficiary of this Order and may seek to enforce obedience of this Order to obtain satisfaction of any portion of the restitution amount which has not been paid by Defendant.

Ex. A, Consent Order at §5, ¶3.

3. Rule 71 provides that “when an order grants relief for a nonparty or may be enforced against a nonparty, the procedure for enforcing the order is the same as for a party.” Fed. R. Civ. P. 71.

4. Under Rule 24, anyone who has an interest in the property that is the subject of the action has an unconditional right to intervene. Fed. R. Civ. P. 24. Thomas has an interest in the property that is the subject of the litigation, because the consent order provides that 45 percent of the restitution collected by the CFTC will be paid to him and because the order expressly provides that he is a direct beneficiary of the order and may enforce it.

WHEREFORE, William S. Thomas respectfully requests that the Court allow him to intervene in the above-captioned matter for the purpose of enforcing the Consent Order.

Dated: May 4, 2015

Respectfully submitted,

His attorney

Matthew J. Sullivan
The Law Office of Matthew J. Sullivan
55 W. Wacker Drive, Suite 1400
Chicago, IL 60601
(312) 912-8012 (tel)
matt@sullivanlawchicago.com

I, Matthew J. Sullivan, an attorney certify that on May 4, 2015, the following individuals were with the forgoing Motion to Intervene via the Court's electronic filing system.

Jennifer Lynn Smrstik Diamond
Email: jdiamond@cftc.gov

Elizabeth M. Streit
Email: estreit@cftc.gov

Rosemary C. Hollinger
Email: rhollinger@cftc.gov

Jeffry Mark Henderson
Email: hendersonj@gtlaw.com

Robert B. Christie
Email: christier@gtlaw.com

/s/Matthew J. Sullivan